



Promoting the wise use of land
Helping build great communities

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

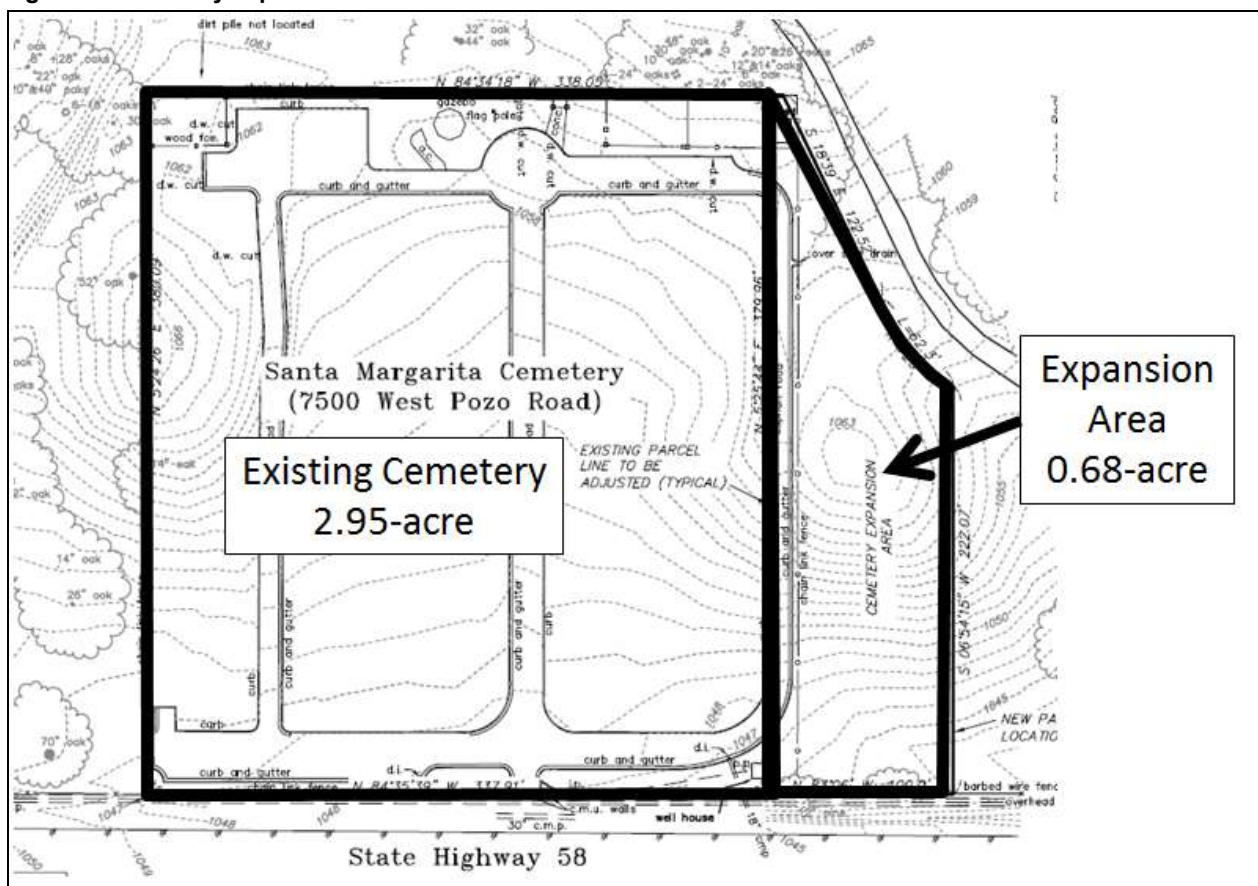
MEETING DATE March 26, 2015		CONTACT/PHONE Airlin M. Singewald (805) 781-5198 asingewald@co.slo.ca.us		APPLICANT Santa Margarita Cemetery District		FILE NO. LRP2008-00004	
SUBJECT Hearing to consider a request by the Santa Margarita Cemetery District to amend the County's Land use Element by changing the land use category on 3.63 acres from Agriculture (AG) to Public Facilities (PF) for the Santa Margarita Cemetery Expansion Project. The project site is located at 7500 West Pozo Road (Highway 58), approximately 0.5-mile east of the community of Santa Margarita, in the Salinas River sub-area of the North County planning area.							
RECOMMENDED ACTION Adopt the resolution recommending that the Board of Supervisors approve General Plan Amendment LRP2008-00004 as shown in Exhibit LRP2008-00004:B and based on the recommended findings listed in this report.							
LAND USE CATEGORY Agriculture		COMBINING DESIGNATION None		ASSESSOR PARCEL NUMBERS 070-091-015 and a portion of 070-091-037		SUPERVISOR DISTRICT(S) 5	
PLANNING AREA STANDARDS: None applicable							
LAND USE ORDINANCE STANDARDS: None applicable							
EXISTING USES: Cemetery, grazing, agricultural uses							
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / grazing, undeveloped <i>South:</i> Agriculture / grazing, undeveloped <i>East:</i> Agriculture / grazing, undeveloped <i>West:</i> Agriculture / grazing, undeveloped							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner, Environmental Health, Cal Fire, Cal Trans, Santa Margarita Area Advisory Council, and City of Atascadero							
TOPOGRAPHY: Gently to moderately sloping				VEGETATION: Non-native grasses, oak trees			
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic Fire Protection: Cal Fire				ACCEPTANCE DATE: January 6, 2015			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242							

SUMMARY OF REQUEST

The Santa Margarita Cemetery District is requesting to change the land use category on 3.63 acres from Agriculture (AG) to Public Facilities (PF). The proposed land use category change would recognize the longstanding public use of the 2.95-acre Santa Margarita Cemetery and would facilitate a 0.68-acre expansion of the cemetery. Following approval of this general plan amendment, conditional use permit approval will be needed to bring the existing cemetery into conformance with the land use ordinance and authorize the expansion area.

The Santa Margarita Cemetery District was formed in 1909. In 1915, Santa Margarita Ranch owner Frank Reis gifted the District three acres for the creation of the Santa Margarita Cemetery. Since that time, it has served the communities of Santa Margarita, Garden Farms, La Panza, and surrounding rural areas. The cemetery includes 1,740 plots, of which only 20 remain available for new burials. The current Santa Margarita Ranch ownership (Major Domo, LLC) has donated an additional 0.68-acre of adjacent land to the east for the cemetery expansion. The District estimates that this expansion area would allow for an additional 1,000 burials at a rate of 20 new burials each year for the next 50 years. Physical development associated with the proposed expansion would include some grading for future burial spaces and the extension of interior roads to accommodate services and visitors to the cemetery.

Figure 1: Cemetery Expansion



The Santa Margarita Cemetery Expansion Project will require three entitlements:

- **General Plan Amendment.** This is the subject of this staff report. The project requires a general plan amendment to change the land use category of the 2.95-acre cemetery and 0.68-acre expansion area from Agriculture (AG) to Public Facilities (PF). This is necessary because, based on Article 2 of the Land Use Ordinance, cemeteries are not allowed in the Agriculture land use category. Cemeteries are allowed (with conditional use permit approval) only in the following land use categories: Public Facilities, Rural Residential, and Residential Suburban. As a public cemetery, the Public Facilities category is the most appropriate designation for the Santa Margarita Cemetery.
- **Lot Line Adjustment.** The expansion project will require a lot line adjustment to add the 0.68-acre of donated land to the existing Santa Margarita Cemetery parcel. The lot line adjustment (SUB2014-00040 / COAL14-0112) has been scheduled for consideration at a Planning Department Hearing on March 20, 2015.
- **Conditional Use Permit.** The project will also require a conditional use permit, in accordance with Article 2 of the Land Use Ordinance, to permit the existing cemetery and authorize the proposed expansion. The conditional use permit (DRC2014-00077) for this project will be scheduled for a hearing before your Commission after the Board of Supervisors approves this general plan amendment.

PROPERTY DESCRIPTION

The project site is located at 7500 West Pozo Road (Highway 58), approximately 0.5-mile east of the community of Santa Margarita, in the Salinas River sub-area of the North County planning area. The 2.95-acre parcel is designated Agriculture but has been used as a cemetery since 1915. The site contains 1,740 burial plots, interior access roads, and a gazebo building. It is vegetated with several oaks trees. The 0.68-acre expansion area is undeveloped and is vegetated with non-native grasses. An existing dirt agricultural road forms the northern boundary of the expansion area. The project site is surrounded by the Santa Margarita Ranch, which is over 7,000 acres in size. The adjacent lands are undeveloped and used mostly for cattle grazing.

AUTHORITY

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit C. These criteria include consistency with existing goals and policies in the General Plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, and in an area with demonstrated availability of needed public services and facilities, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Framework for Planning, Part 1 of the Land Use Element, sets forth the authority by which the General Plan can be amended. The Planning Commission will typically consider the following factors in determining whether or not to recommend approval of an amendment to the Board of Supervisors:

1. **Necessity.** Considering the relationship of the amendment to other existing Land Use Element policies including the Guidelines for Land Use Category Amendments (attached in Exhibit C).

- *Does the project comply with existing land use policies?*
- *Would existing policies make the proposed amendment unnecessary or inappropriate?*
- *Does the project site conform to the Purpose and Character statements for the proposed land use category?*

The proposed project is consistent with other existing Land Use Element policies because it would allow for the expansion of an existing public facility, the Santa Margarita Cemetery, to meet the future burial needs for the communities of Santa Margarita, Garden Farms, La Panza, and surrounding rural areas. This is preferable to developing a new cemetery, which would have greater environmental impacts. There are no existing policies that would make the proposed amendment unnecessary or inappropriate. There are no existing policies that would make the proposed amendment unnecessary or inappropriate.

The project site is consistent with the purpose and character statements for the Public Facilities land use category (attached in Exhibit D). The purpose of the proposed land use category change is to recognize the longstanding public use of the site as a community cemetery and to provide an area for the cemetery expansion. The area proposed for the Public Facilities designation is adequately sized for the intended public use because, according to the Cemetery District, the proposed expansion would allow for an additional 1,000 burials at a rate of 20 new burials each year for the next 50 years. The site contains no known natural or man-made hazards.

2. **Timing.** Considering whether the proposed amendment is timely and its relationship to the inventory of similarly designated land.

- *Is there a need to designate additional land as Public Facilities?*
- *Will the amendment result in a significant loss of Agriculture land?*
- *Is the requested amendment unnecessary or premature?*

Existing PF sites in Santa Margarita include a half-acre parcel developed with the community library and the Santa Margarita elementary school and play fields. Neither of these sites is available or suitable for a cemetery. Additionally, the Cemetery District has no available funds to purchase a new site.

There is a need for the proposed general plan amendment because, according to the Cemetery District, the existing cemetery has about 20 remaining burial plots. Based on

the Cemetery District's estimates, the existing cemetery could reach full capacity in about one year. This means there is an immediate need for a cemetery expansion. Since there are no existing parcels in the area designated Public Facilities that would be suitable for a new cemetery, the proposed expansion project is the only viable alternative for meeting future burial needs in the community of Santa Margarita and surrounding areas.

3. **Vicinity.** Considering the relationship of the site to its surrounding area.

- *Are the boundaries of the area proposed for amendment appropriate, or should they be reduced or expanded?*
- *Is there sufficient resource availability?*
- *Are there potential environmental constraints?*

The proposed general plan amendment would recognize the longstanding public use of the 2.95-acre site as a community cemetery and would allow for a 0.68-acre cemetery expansion. The boundaries of the expansion area were determined based on the following criteria: 1) the amount of land that the Santa Margarita Ranch ownership was willing to donate; 2) the cemetery's future burial needs; and 3) environmental constraints. The Santa Margarita Ranch agreed to gift this expansion area, which meets the cemetery's burial needs for an estimated 50 years and avoids environmentally sensitive areas.

GENERAL PLAN CONSIDERATIONS

Agriculture Element Policy 24: Conversion of Agricultural Land

This policy discourages the conversion of agricultural lands to non-agricultural uses and states that new public facilities should be avoided outside urban and village reserve lines unless they serve a rural function of there is no feasible alternative location within the urban and village reserve lines.

The proposed land use category change would recognize and expand the existing Santa Margarita Cemetery, which is located about 0.5-mile east of the Santa Margarita urban reserve line. The existing cemetery is quickly nearing its capacity and the proposed 0.75-acre expansion was made possible by a land donation from the neighboring Santa Margarita Ranch ownership (Major Domo, LLC). The Cemetery District has a small budget with no available funds for purchasing land within the Santa Margarita village reserve line for the cemetery expansion. Locating the expansion area in the village reserve line would also segment an important community landmark which has historically been located outside the urban reserve line since 1915. Finally, designating the existing cemetery and expansion area as Public Facilities is consistent with the Land Use Element of the County General Plan, which states that the purpose of the Public Facilities land use category is to identify lands and structures committed to public facilities and public agency use that benefit the public.

The project was referred to the County Department of Agriculture for a determination of consistency with the Agriculture Element of the County General Plan. In a response, dated

December 1, 2014, the Department of Agriculture indicated that it does not oppose the authorization of the general plan amendment for the Santa Margarita Cemetery Expansion project.

COMMUNITY ADVISORY GROUP COMMENTS

The proposed project was referred to the Santa Margarita Area Advisory Council, which unanimously supported the project on February 4, 2015.

AGENCY REVIEW

The project was referred to various local and state agencies and no concerns were noted. The Agricultural Commissioner submitted a response indicating that it does not oppose the project based on staff's determination that the proposed land use category change is consistent with Agriculture Element Policy 24 (Conversion of Agricultural Land). As discussed in this report, the project is consistent with Agriculture Element Policy 24 because it would not conflict with adjacent agricultural lands and because there are no viable alternative sites for a new cemetery with the Santa Margarita Urban Reserve Line.

ATTACHMENTS

Exhibit A – Findings
Exhibit B – LRP2008-00004:B – Proposed Land Use Category Map Change
Exhibit C – Guidelines for Land Use Category Amendments
Exhibit D– Purpose and Character Statements for Public Facilities category
Exhibit E – Vicinity Map, Aerial Photographs, and Lot Line Adjustment Map
Exhibit F – Agricultural Commissioner Referral Response

Staff report prepared by Airlin M. Singewald and reviewed by Bill Robeson

